

## What is a complaint?

A **complaint** alleges that there has been a failure to implement a federal or state special education law or regulation by a public education agency.\*

## Who is the complaint process for?

The **complaint process** is available for any student who has been referred, assessed, or identified for special education services.

## Who may file a complaint?

Anyone who believes that there has been a violation of special education law or regulations may file a complaint. This includes parents, school staff, organizations, and other interested parties. Site administrators and special education staff can assist in filing the complaint.

- *Public education agency means a district, special education local plan area (SELPA), county office, or any public agency providing special education or related services to students (Education Code Section 56500).*

## What information must be in the complaint?

The **complaint** should describe the problem and include all the information needed to support the allegation or complaint.

## Is there a process for resolving complaints locally?

Yes, under most circumstances the **complaint** may be resolved at the local level. If it is not resolved locally within the first 10 days, the state will initiate an investigation of the **complaint**.

## Where do I send complaints?

You may send your **complaint in writing** either to your **school district or agency office** or to:

California Department of Education  
Special Education Division  
Procedural Safeguards Referral Service  
1430 N Street, Suite 2401  
Sacramento, CA 95814

If sent to the school district, the district is required to forward the **complaint** to the California Department of Education.

## How long does it take to resolve the complaint?

The state-level investigation and final report must be completed within 60 days of receipt of the **complaint** unless an extension is granted due to exceptional circumstances. The final report will contain a timeline for resolving the problem.

## What if I disagree with the investigative findings from the California Department of Education?

Either you or the agency may submit a written request for a review of the findings and conclusion of the state investigation to:

California Department of Education  
Special Education Division  
Complaints Management and Mediation  
1430 N Street, Suite 2401  
Sacramento, CA 95814

## Understanding Other Special Education Terms

The **individualized education program (IEP)** is a written statement for a child with a disability that describes the child's unique needs and specifies his or her instructional program, including special education and related services.

**Due process** for students in special education is a procedure to use when there is a disagreement between the parents and the education agency regarding assessment, identification, or placement of a student. All requests for a **due process** hearing must be in writing to:

Special Education Hearing Office  
McGeorge School of Law  
University of the Pacific  
3200 5th Avenue  
Sacramento, CA 95817  
Phone:(916) 739-7053

The special education local plan area, or **SELPA**, is a regional grouping of districts or a single district or county

office that ensures special education services are provided to students.

The **California Department of Education, Special Education Division** is responsible for monitoring all special education programs in the state and for investigating complaints at the **state level**.

**For further information please contact one of the following offices in your area:**

1. School District Director of Special Education
2. County Office of Education
3. Special Education Local Plan Area (SELPA)

You may also call the California Department of Education's Complaint Management Office in the Special Education Division at (916) 445-4632 or visit the Department's Web site at <http://www.cde.ca.gov/spbranch/sed>

# Special Education Complaint Process

